

Book Review

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BOOK REVIEW

International Terrorism and Political Crimes. By M. Cherif Bassiouni (ed.). Springfield, Illinois: Charles C. Thomas, Publisher, 1975. Pp. xxxvi, 594.*

Professor Bassiouni's huge collection of material (thirty-eight authors in all) illustrates well the strong points and weak points of our ability to deal with terrorism. The last five-sixths of the book is devoted to detailed compilations on all imaginable aspects of the relevance of international law to the terrorist problem, citing cases and precedents that go back as far as the eighteenth and nineteenth centuries. The first section of the book, by contrast, collects some elementary sociological analyses of why terrorists begin their campaigns in the first place. What is missing in between is what is as yet missing in most of our deliberations on the prevention of skyjackings, bombings and kidnappings: a detailed analytical breakdown of strategies that might really work to turn around the terrorist attack, no matter how bitter the grievances of the Palestinians or Basques or Croats may be.

A strategy for toughening up the physical, political and social defenses against terrorism may lie outside the intended scope of the book, of course, despite its title. In the more specialized area of applying international law as part of such defenses, the materials presented in this book may also be of substantial importance, but may not. How influenced will countries like Algeria, Cambodia, Cuba or Libya feel in the future by extradition precedents established by European countries in the 1920's? How likely is it that countries like the Netherlands or West Germany will adhere to solemnly negotiated international covenants on the response to terrorists, if a planeload of their citizens has been taken hostage, and are in danger of being executed one by one?

The chapter by James Murphy on the development of diplomatic immunity is very well researched, for example, but of questionable practical impact; terrorists who are violating every domestic law are surely unlikely to be dissuaded from kidnapping a diplomat just because we can demonstrate that diplomatic immunity has a firm legal standing.

In general, then, the book may fail to give adequate attention to the more "realistic" international power considerations that would have to steer nations toward or away from international legal practices in the first place. This applies in both directions, for, as the even-handedness of the book's title suggests, there is interest here also in cases where "terrorists" by some definitions would nonetheless be entitled to immunities under international law as it stands.

The chapter by Kathleen Lahey and Lewis Sang thus advocates an

extension of the protections of Article 3 of the Geneva Conventions to the personnel of liberation movements, but begs the question of why protection has been extended to prisoners of war in the past. Surely the operational reason has been the symmetry of the POW situation, as each side holds some soldiers of the other captive. When this appears also in a civil war, as in the United States Civil War, prisoners avoid being shot; when the symmetry does not appear, "rebels" get tortured and killed.

There are, therefore, a number of points at which the message of the book comes across as plaintive and weak, in effect simply urging all the nations of the world to have more backbone in resisting highjackers' demands, or to treat captured terrorists humanely, and then enshrining this as "the contribution of international law." Cynics would say that this can only work if the values and resolve of the separate nations themselves change; perhaps international law, then, would not be the means to this attainment, but merely the punctuation mark applied after the sentence had been delivered.

Yet this may be putting cynical objections a little too strongly. International agreements and international coordination are often easier to achieve where the precedents of international legal practice have already paved some avenues of cooperative action. The requirements of maintaining ordinary law and order at home, moreover, may produce spillovers for the more political offenses of the world, so that the hands of those who want to resist terrorism in each country will be strengthened, while ordinary civil liberties are nonetheless also maintained.

It is indeed true that there has been a shift toward greater international recognition and legal protection for insurgent movements, reflecting the changed nature of the nations in the world community. Yet even this would be a political change, as many nations have developed a vested interest in backing guerrilla movements. What remains to be seen is whether as many nations can hold an interest in tolerating or supporting terrorist groups.

The book is totally up to date in giving extensive weight to issues of diplomatic kidnapping and skyjacking, as well as more random terrorism. At times it gets bogged down in some relatively arcane topics—for example, whether the terrorist acts themselves violate international law. It also, however, includes detailed commentaries on the international rules and precedents by which states must be guided as they deal with terrorists, perhaps a much more important theme.

In its coverage of all the world's cases, moreover, the book gives us a most useful reminder that the Western nations have not always disapproved of terrorist activities. There are thus practical points here upon which the volume throws some very interesting light. Nations may have to wrestle with conflicts between commitment to legal procedure and commitment to the substantive rightness of political causes, as when

Czech skyjackers seize a plane to fly them to West Germany, or a Greek dissident uses similar methods to achieve escape to Sweden. Perhaps the solution will be to place such skyjackers into prisons in their country of asylum, rather than sending them back to the tender mercies of the regime they were escaping. Yet what if prisons in Sweden or Germany look too comfortable and humane?

The entire category of "political crimes" may similarly need further refinement. One could probably never have been extradited for the "political crime" of criticizing Hitler, but what if one had tried to assassinate the German leader? And what if one had succeeded in the assassination, or succeeded in forcing a German plane to fly refugees into another nation in 1937?

As a collection bringing the reader up to date on what the international law is on the subject, the *International Terrorism and Political Crimes* volume is valuable. It is quite orderly in arrangement, with appendices of legal documents following as appropriate after each chapter of analysis. There is relatively little overlap or redundancy between chapters as to the legal issues covered.

The early chapters on the sociology, politics and psychology of terrorism are sensible enough, but hardly amount to comprehensive overviews of what has been said on the subject. As research work, therefore, they are considerably less valuable than the legal commentary. An exceptionally useful piece in this section is the article by Luis Kutner, sketching out the evolution of political philosophy on the questions of tyrannicide and revolution. What mars an otherwise superior editorial job is the tendentiousness of a number of the articles, those dealing with case material from the Middle East in particular, alternately pro-Israeli and pro-Palestinian, making a few of the chapters read like political tracts or legal briefs rather than summaries of relevant precedent.

As a last, but by no means inconsequential, feature of the work, the bibliographical section of the book is absolutely first rate, indeed citing literature on many of the topics which the book itself has not probed.

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